

## **REMARKS**

The July 9, 2008 Final Office Action was based upon pending Claims 1-51. This response amends Claims 1, 6, 13, 20, 34, and 42. Thus, after entry of this response, Claims 1-51 are pending and presented for further consideration.

### **ISSUES RAISED IN THE OFFICE ACTION**

The Office Action rejected Claims 1-51 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 6-12 of U.S. Patent No. 6,637,030.

In addition, the Office Action rejected Claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,288,749 to Freadman (hereinafter "Freadman") in view of U.S. Patent No. 6,195,530 to Smith et al. (hereinafter "Smith").

Further, the Office Action rejected Claims 6-9 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Freadman in view of Smith and further in view of U.S. Patent No 5,760,822 to Coutinho (hereinafter "Coutinho").

Still further, the Office Action rejected Claims 13, 15-33, 42, and 45-51 under 35 U.S.C. § 103(a) as being unpatentable over Freadman in view of U.S. Patent No. 6,009,465 to Decker et al. (hereinafter "Decker").

In addition, the Office Action rejected Claims 14, 18/14, 43 and 44 under 35 U.S.C. § 103(a) as being unpatentable over Freadman in view of Decker and further in view of Coutinho.

The Office Action also rejected Claims 34, 35, and 38-41 under 35 U.S.C. § 103(a) as being unpatentable over Freadman in view of Smith and further in view of Coutinho and U.S. Patent No. 5,742,713 to Sanders (hereinafter "Sanders").

Furthermore, the Office Action rejected Claims 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Freadman in view of Smith and further in view of Coutinho and U.S. Patent No. 6,738,978 to Hendricks et al. (hereinafter "Hendricks").

In addition, the Office Action rejected Claims 36 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Freadman in view of Smith and further in view of Coutinho, Sanders, and Hendricks.

**REJECTION OF CLAIMS 1-51 FOR OBVIOUSNESS-TYPE DOUBLE PATENTING**

The Office Action rejected Claims 1-51 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 6-12 of U.S. Patent No. 6,637,030. In response, Applicant hereby submits a terminal disclaimer.

**REJECTION OF CLAIMS 1-5 UNDER 35 U.S.C. § 103(a)**

The Office Action rejected Claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over Freadman in view of Smith.

**CLAIM 1**

Neither Freadman, nor Smith, appear to teach the concept of notch filtering that not only filters the broadcast transmission being sent into a building, but also filters the signals sent over a local area network from being sent out of the building.

In particular, neither Freadman, nor Smith, either alone or in combination, teach a notch filter in communication with a coaxial cable, said coaxial cable routed in a tree configuration to a plurality of locations of a building, said notch filter configured to filter out a portion of video signals from an external source that are carried by said coaxial cable, wherein said notch filter is further configured to receive via said coaxial cable, transmissions from a local area network of computers within said building, said transmissions occurring at one or more frequencies within said filtered out portion, and wherein said notch filter further filters said transmissions from being sent from said local area network to said external source.

In addition, neither Freadman, nor Smith, either alone or in combination, teach a frequency converter, in communication with said coaxial cable, configured to receive signals from said tree configuration at a first frequency and to forward said signals within said tree configuration at a second frequency, wherein said first and second frequencies are within said filtered out portion.

Given the significant differences between amended Claim 1 and the cited references, Applicant respectfully requests allowance of Claim 1.

**CLAIMS 2-5**

Claims 2-5, which depend from Claim 1, are believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

**REJECTION OF CLAIMS 6-9 and 12 UNDER 35 U.S.C. § 103(a)**

The Office Action rejected Claims 6-9 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Freadman in view of Smith and further in view of Coutinho.

**CLAIM 6**

Neither Freadman, Smith, nor Coutinho appear to describe a notch filter that filters communications between computers from being transmitted out of a residence.

In particular, none of the cited references, either alone or in combination, appear to describe a notch filter configured to receive a signal from a cable television transmission system and to filter out at least one portion of said signal in the range of approximately 50 MHz to approximately 750 MHz to produce a filtered signal. A community antenna television wire configured to receive said filtered signal and routed in a tree configuration to a plurality of locations of a residence, said wire in communication with said notch filter.

A plurality of computers in communication with said wire, each of said computers having a modem configured to receive and transmit broadband signals between said computers within said tree configuration, wherein said computers are configured to send and receive communications between different ones of said computers via said modems by modulating a carrier having a frequency within said filtered out portion and wherein said notch filter further filters said communications between said computers from being transmitted out of said residence.

Given the significant differences between amended Claim 6 and the cited references, Applicant respectfully requests allowance of Claim 6.

**CLAIMS 7-9 and 12**

Claims 7-9 and 12, which depend from Claim 6, are believed to be patentable for the same reasons articulated above with respect to Claim 6, and because of the additional features recited therein.

**REJECTION OF CLAIMS 13, 15-33, 42, and 45-51 UNDER 35 U.S.C. § 103(a)**

The Office Action rejected Claims 13, 15-33, 42, and 45-51 under 35 U.S.C. § 103(a) as being unpatentable over Freadman in view of Decker.

**CLAIM 13**

Neither Freadman, nor Decker appear to describe a notch filter that filters communications between computers from being transmitted out of a structure.

In particular, none of the cited references, either alone or in combination, appear to describe a method of making a local area network, the method comprising: routing community antenna television wiring in a tree configuration to different parts of a structure; coupling a notch filter to said wiring for filtering out one or more television broadcasts delivered to said wiring by a service drop of a community antenna television distribution system; coupling to said wiring a plurality of computing devices; and configuring at least some of said computing devices for two-way communication with others of said computing devices, wherein the two-way communication is carried at least in part over said wiring at at least one frequency within said filtered out television broadcasts and wherein said notch filter further filters said communications between said computing devices from being transmitted out of said structure.

Given the significant differences between amended Claim 13 and the cited references, Applicant respectfully requests allowance of Claim 13.

**CLAIMS 15-19**

Claims 15-19, which depend from Claim 13, are believed to be patentable for the same reasons articulated above with respect to Claim 13, and because of the additional features recited therein.

**CLAIM 20**

None of the cited references, either alone or in combination, appear to describe a method of networking computing devices, the method comprising:

coupling a notch filter to coaxial wiring carrying television signals, wherein the coaxial wiring is routed in a tree configuration to a plurality of locations in a building;

filtering out a frequency band comprising a portion of said television signals with the notch filter; and

establishing two-way communications between at least two computing devices within the building and connected via the tree configuration, wherein said communications are carried at least in part over said coaxial wiring utilizing said frequency band, and wherein said notch filter further filters said communications between said computing devices from being transmitted out of said building.

Given the significant differences between amended Claim 20 and the cited references, Applicant respectfully requests allowance of Claim 20.

**CLAIMS 21-33**

Claims 21-33, which depend from Claim 20, are believed to be patentable for the same reasons articulated above with respect to Claim 20, and because of the additional features recited therein.

**CLAIM 42**

None of the cited references, either alone or in combination, appear to describe a method of communicating data between computing devices comprising:

receiving a television signal from a headend transmission equipment of a cable television transmission system;

filtering out a portion of said television signal in the range of approximately 50 MHz to approximately 750 MHz to produce a filtered signal;

coupling said filtered signal to unlooped cable television wiring;

coupling a plurality of computing devices to said wiring, wherein each of at least some of said computing devices comprises a modem configured to receive and transmit broadband signals between said computing devices;

establishing communications, at least in part over said cable television wiring, between different ones of said computing devices via said modem using at least one frequency within said filtered out portion; and

filtering said communications between said computing devices so as to prevent transmission of said communications to said headend transmission equipment.

Given the significant differences between amended Claim 42 and the cited references, Applicant respectfully requests allowance of Claim 42.

**CLAIMS 45-51**

Claims 45-51, which depend from Claim 42, are believed to be patentable for the same reasons articulated above with respect to Claim 42, and because of the additional features recited therein.

**REJECTION OF CLAIMS 14, 18/14, 43 and 44 UNDER 35 U.S.C. § 103(a)**

The Office Action rejected Claims 14, 18/14, 43 and 44 under 35 U.S.C. § 103(a) as being unpatentable over Freadman in view of Decker and further in view of Coutinho.

**CLAIMS 14 and 18/14**

Claims 14 and 18/14, which depend from Claim 13, are believed to be patentable for the same reasons articulated above with respect to Claim 13, and because of the additional features recited therein.

**CLAIMS 43 and 44**

Claims 43 and 44, which depend from Claim 42, are believed to be patentable for the same reasons articulated above with respect to Claim 42, and because of the additional features recited therein.

**REJECTION OF CLAIMS 34, 35, and 38-41 UNDER 35 U.S.C. § 103(a)**

The Office Action rejected Claims 34, 35, and 38-41 under 35 U.S.C. § 103(a) as being unpatentable over Freadman, in view of Smith, and further in view of Coutinho, and Sanders.

**CLAIM 34**

None of the cited references, either alone or in combination, appear to describe a network device comprising: a receiver for receiving a television signal from a community antenna television system; a transmitter for transmitting signals to a headend equipment of said community antenna television system; a notch filter configured to block at least one stop frequency band within the received television signal; and a modem configured to receive and transmit broadband signals between computing devices within the at least one stop band and wherein the notch filter blocks the transmission of said broadband signals between said computing device from being sent to the headend equipment at least within the at least one stop band.

Given the significant differences between amended Claim 34 and the cited references, Applicant respectfully requests allowance of Claim 34.

**CLAIMS 35 and 38-41**

Claims 35 and 38-41, which depend from Claim 34, are believed to be patentable for the same reasons articulated above with respect to Claim 34, and because of the additional features recited therein.

**REJECTION OF CLAIMS 10 and 11 UNDER 35 U.S.C. § 103(a)**

The Office Action rejected Claims 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Freadman in view of Smith and further in view of Coutinho and Hendricks.

Claims 10 and 11, which depend from Claim 6, are believed to be patentable for the same reasons articulated above with respect to Claim 6, and because of the additional features recited therein.

**Application No.: 10/666,184**  
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**REJECTION OF CLAIMS 36 and 37 UNDER 35 U.S.C. § 103(a)**

The Office Action rejected Claims 36 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Freadman, in view of Smith, and further in view of Coutinho, Sanders, and Hendricks.

Claims 36 and 37, which depend from Claim 34, are believed to be patentable for the same reasons articulated above with respect to Claim 34, and because of the additional features recited therein.

**NO DISCLAIMERS OR DISAVOWALS**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application.

The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution.

Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

**CO-PENDING APPLICATIONS OF ASSIGNEE**

The Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

<b>Appl. No.</b>	<b>Filing Date</b>	<b>Attorney No.</b>	<b>Title</b>
08/840,083, now abandoned	04/09/97	MTIPAT.046A	BROADBAND CABLE TELEVISION AND COMPUTER NETWORK
10/666,184	09/17/03	MTIPAT.046D1C1	BROADBAND CABLE TELEVISION AND COMPUTER NETWORK
08/872,010 Now U.S. Patent No. 6,637,030	06/10/97	MTIPAT.046DV1	BROADBAND CABLE TELEVISION AND COMPUTER NETWORK



Applicant notes that cited references, office actions, responses and notices of allowance currently exist or will exist for the above-referenced matters. Applicant also understands that the Examiner has access to sophisticated online Patent Office computing systems that provide ready access to, for example, specification and drawing publications, pending claims and complete file histories, including, for example, cited art, office actions, responses, and notices of allowance.

However, if the Examiner cannot readily access these file histories, the Applicant would be pleased to provide any portion of any of the file histories at any time upon specific Examiner request.

#### **RESCISSION OF ANY PRIOR DISCLAIMERS AND REQUEST TO REVISIT ART**

The claims of the present application are different and possibly broader in scope than any pending claims in any related application or issued claims in any related patent. In particular, in one or more parent applications, including (1) U.S. Patent Application No. 08/872,010, filed June 10, 1997, now U.S. Patent No. 6,637,030, issued October 21, 2003. Applicant amended claims and received allowance over at least U.S. Patent Nos. 5,585,837; 5,539,880; 5,805,806; 5,760,822; 6,288,749; 6,009,465; and 5,565,910.

To the extent that any amendments or characterizations of the scope of any claim or referenced art could be construed as a disclaimer of any subject matter supported by the present disclosure, Applicant hereby rescinds and retracts such disclaimer. Accordingly, the above-listed references, or other listed or referenced art may need to be re-visited.

In addition, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

#### **CONCLUSION**

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be

**Application No.:** 10/666,184  
**Filing Date:** September 17, 2003

resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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